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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,549	06/20/2003	David John Carr	GB920020011US1	6074
29683	7590	01/09/2006	EXAMINER	
HARRINGTON & SMITH, LLP			PEUGH, BRIAN R	
4 RESEARCH DRIVE			ART UNIT	
SHELTON, CT 06484-6212			PAPER NUMBER	

2187

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/600,549

Applicant(s)

CARR ET AL.

Examiner

Brian R. Peugh

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-21 is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is in response to applicant's communication filed October 27, 2005 in response to PTO Office Action dated July 9, 2005. The applicant's remarks and amendment to the specification and/or claims were considered with the results that follow.

Claims 1-21 have been presented for examination in this application. In response to the last Office Action, claims 1, 7, 9, 17, and 18 have been amended.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the structure of claims 3-5, 8, 11-13, and 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 5, 8, 12, 13, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 4, 5, 12, and 13, it is unclear to the Examiner how the memory to be updated is comprised in the disk adapter or disk controller, as well as whether the disk adapter and/or disk controller are comprised within, or coupled to, the disk storage system as previously claimed in a parent claim.

Claims 8 and 16 recite that the "...interconnect comprises a device driver". It is unclear to the Examiner, in light of Applicant's Specification, how an interconnect

(hardware) may be comprised of a device driver (software) without any associated hardware upon which the device driver is to function.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6, 7, 9-11, 14, 15, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kavipurapu (US# 6,584,546).

Regarding claim 1, Kavipurapu teaches **an apparatus for update of cache data in a storage system, the apparatus comprising: a memory for storing data [Fig. 4; 401a, 401b]; a cache means for storing data associated with the memory [col. 4, lines 44-47]; at least one processor [Fig. 1] for preparing change data for updating the cache, the at least one processor comprising circuitry for submitting a request for change to the memory [Tag search], receiving a signal from the memory representative of completion of the request for change [Tag hit response], and updating the cache with the change data [write operation] in response to the signal indicating successful completion of the request for change [col. 6, line 54 – col. 7, line 19].**

Regarding claim 2, Kavipurapu teaches **wherein the data comprises configuration data** [data configured for associative cache scheme; col. 3, lines 3-13].

Regarding claim 3, Kavipurapu teaches **wherein the storage system comprises a disk storage subsystem** [col. 2, lines 57-59; disk drive controller inherently needed for disk drive].

Regarding claim 6, Kavipurapu teaches further comprising **an interconnect coupled between the memory and the cache for communicating the request for change, and the signal representative of completion of the request for change** [Fig. 6; Search & Hit/Miss bus lines].

Regarding claim 7, Kavipurapu teaches **wherein the interconnect is also arranged to communicate transaction data** [signal data passed on Search & Hit/Miss signal lines may be interpreted as transaction data related to the transaction].

Regarding claim 9, Kavipurapu teaches **a method for update of cache data in a storage system, the method comprising: providing a memory holding data** [Fig. 4; 401a, 401b]; **providing a cache holding data associated with the memory** [col. 4, lines 44-47]; **preparing change** [new or updated] **data for updating the cache;** **submitting a request for change to the memory** [Tag search]; **receiving a signal from the memory representative of completion of the request for change** [Tag hit response]; **and updating the cache means with the change data in response to the signal indicating successful completion of the request for change** [col. 6, line 54 – col. 7, line 19].

Regarding claim 10, Kavipurapu teaches **wherein the data comprises configuration data** [data configured for associative cache scheme; col. 3, lines 3-13].

Regarding claim 11, Kavipurapu teaches **wherein the storage system comprises a disk storage subsystem** [col. 2, lines 57-59; disk drive controller inherently needed for disk drive].

Regarding claim 14, Kavipurapu teaches further comprising **an interconnect coupled between the memory and the cache for communicating the request for change, and the signal representative of completion of the request for change** [Fig. 6; Search & Hit/Miss bus lines].

Regarding claim 15, Kavipurapu teaches **wherein the interconnect is also arranged to communicate transaction data** [signal data passed on Search & Hit/Miss signal lines may be interpreted as transaction data related to the transaction].

Regarding claim 17, Kavipurapu teaches **a computer program storage device readable by a machine and comprising executable computer program instructions for update of a cache in a storage system, the storage system comprising a memory holding data and a cache holding data associated with the memory, the instructions for performing the method of: preparing change [new or updated] data for updating the cache [col. 4, lines 44-47]; submitting a request for change to the memory [Fig. 4; 401a, 401b; Tag search]; receiving a signal from the memory representative of completion of the request for change [Tag hit response]; and updating the cache means with the change data in response to the signal indicating successful completion of the request for change [col. 6, line 54 – col.**

7,line 19]. The limitations directed towards executable program instructions has not been given patentable weight due to the fact that the limitations are only found within the claims preamble and not within the body of the claim.

Regarding claim 18, Kavipurapu teaches **an apparatus for update of cache data in a storage system, the apparatus comprising: providing a memory holding data [Fig. 4; 401a, 401b]; providing a cache holding data associated with the memory [col. 4, lines 44-47]; preparing change [new or updated] data for updating the cache; submitting a request for change to the memory [Tag search]; receiving a signal from the memory representative of completion of the request for change [Tag hit response]; and updating the cache means with the change data in response to the signal indicating successful completion of the request for change [col. 6, line 54 – col. 7,line 19].**

#### ***Allowable Subject Matter***

Claims 19-21 are allowed over the prior art of record.

#### ***Response to Arguments***

Applicant's arguments filed 10/27/05 have been fully considered but they are not persuasive.



Applicant has argued on page 9, paragraph 3 of the response that the 35 U.S.C. 112, second paragraph rejection was improper, citing that the specification on page 6, lines 6-10 discloses the claimed subject matter. The Examiner disagrees, and would like to point out that this citing indicates that the interconnect (device driver) "...communicates with an adapter (not shown)" or communicates "...with a controller (not shown)". The Specification fails to recite that an interconnect is coupled between the memory and cache (claim 6), comprises a device driver (claim 8). This argument also applies to the remaining rejected claims under the 35 U.S.C. 112, second paragraph rejection.

Applicant has argued on page 12, last paragraph that the Kavipurapu reference does not teach the submitting, receiving and updating limitations of claim 1, for example. The Examiner would like to point out that that the tag search operation is based on a write request, as previously denoted above by the Examiner. Also, regarding the "receiving" limitation, the claim does not indicate what hardware receives the signal regarding the completion of the request. As noted above, Kavipurapu teaches that upon a cache hit signal response, the controller follows the protocol for tag hits by updating at least the valid bit of the data corresponding to the tag hit. This last statement also applies to the "updating" limitation of the claim.

Regarding Applicants arguments of claims 2 and 10, the updating of the at least valid bit of the data corresponds to the cache coherency configuration data necessary for the cache coherency protocol to operate.

Regarding Applicants arguments of claims 4, 5, 12, and 13, as disclosed on page 13, the Examiner has not used the Kavipurapu reference for rejecting these four claims.

Regarding Applicants arguments of claims 27 and 15, due to the breadth of the claimed subject matter attributed to the limitation "transaction data", the tag hit signal, valid bit setting, as well as the data for the cache may be interpreted as "transaction data" related to the write operation "transaction" as disclosed above and found at least in col. 6, line 51 – col. 7, line 19.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

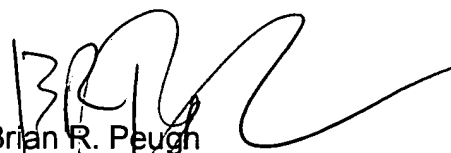
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Peugh whose telephone number is (571) 272-4199. The examiner can normally be reached on Monday-Thursday from 7:00am to

4:30pm. The examiner can also be reached on alternate Friday's from 7:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks, can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian R. Peugh  
Primary Examiner  
Art Unit 2187  
January 4, 2006